

State of New Hampshire



PERSONNEL APPEALS BOARD

28 School Street
Concord, New Hampshire 03301

CONTACT: STEVEN BUNKER, ADMINISTRATOR 271-1421

NOTICE OF SCHEDULING PREHEARING CONFERENCES

Wednesday, September 7, 2016

1:00 p.m.

at

NH Public Utilities Commission

21 South Fruit Street, Suite #10

Hearing Room B

Concord, NH 03301

The Board, under the authority of RSA 541-A:31, RSA 21-I:58, and Per-A 206.03 of the Code of Administrative Rules, has scheduled **MANDATORY PREHEARING CONFERENCES** as outlined below to facilitate the scheduling of an evidentiary hearing and a just disposition of each of the matters listed. Notices are being sent to the current representatives of record.

Famoh Toure 2016-T-009

Health and Human Services

NH Hospital

For the Appellant: Sean Bolton, SEA Grievance Representative

Attorney Glenn Milner

For the Appellee: Attorney Robert Berry

Samantha Barnes 2016-T-010

Health & Human Services

Mental Health Services

For the Appellant: Sean Bolton, SEA Grievance Representative

For the Appellee: Attorney Robert Berry

If a party wishes to have a Motion heard at a scheduled Prehearing Conference, said Motion must be filed at least fourteen (14) days in advance of the scheduled Prehearing Conference.

Nicole Collins 2016-T-012

Health and Human Services
Client Services

For the Appellant: Sean Bolton, SEA Grievance Representative
For the Appellee: Attorney Robert Berry

Evelyn Clark-Smith 2016-D-011, 2017-D-001, 2017-D-002 & 2016-T-014

Health and Human Services
DCYF

For the Appellant: Sean Bolton, SEA Grievance Representative
 Attorney Glenn Milner
For the Appellee: Attorney Robert Berry

Dyniece Rocchio 2016-T-015

Liquor Commission

For the Appellant: Charles McMahon, SEA Grievance Representative
For the Appellee: Attorney Daniel St. Hilaire

James Cole 2017-T-001

Information Technology

For the Appellant: Charles McMahon, SEA Grievance Representative
For the Appellee: Dawn Schriever, Administrator II, IT

Cheryl Cizewski 2016-D-013

Information Technology

For the Appellant: Charles McMahon, SEA Grievance Representative
For the Appellee: Dawn Schriever, Administrator II, IT

Linda Capuchino 2016-D-010

Office of the Governor

For the Appellant: Attorney Eric Wilson
For the Appellee: Assistant Attorney General Brian Buonamano
 Assistant Attorney General Elizabeth Lahey

Mark Gagne 2016-D-012

Department of Corrections – Northern NH Correctional Facility

For the Appellant: Pro Se
For the Appellee: Sr. Assistant Attorney General Lynmarie Cusack

Michael Miller 2016-P-002

Department of Corrections – Men's Prison

For the Appellant: Attorney William Cahill, Jr.
For the Appellee: Sr. Assistant Attorney General Lynmarie Cusack

Per-A 206.03 (b) of the NH Code of Administrative Rules (Rules of the Personnel Appeals Board) states:

A prehearing conference shall be convened to narrow the factual issues or for any other purpose set forth in RSA 541-A:31, V to consider:

- (1) Offers of settlement;
- (2) Simplification of the issues;
- (3) Stipulations or admissions as to issues of fact or proof by consent of the parties;
- (4) Limitations on the number of witnesses;
- (5) Changes to standard procedures desired during the hearing by consent of the parties;
- (6) Consolidation of examination of witnesses; or
- (7) Any other matters which aid in the disposition of the proceeding.

At the scheduled pre-hearing conference, each party shall be prepared to address the following:

- (1) Scope of the hearing
- (2) Outstanding discovery issues
- (3) Stipulations or admissions as to issues of fact or proof
- (4) Offers of settlement
- (5) Number of witnesses expected to testify in a hearing on the merits
- (6) Special scheduling
- (7) Amount of time required to hear the case
- (8) Pending motions, whether dispositive or non-dispositive

All prehearing activities shall be conducted in accordance with Chapters Per-A 100-200 of the NH Code of Administrative Rules (Rules of the Personnel Appeals Board). Each party has the right to have an attorney represent them at their own expense. Parties should advise the Board immediately if they believe there are reasons that any member or alternate member of the Board should not participate in the pre-hearing conference or later hearing. Members of the Board include Charla Stevens, Norman Patenaude, David Goldstein, and Chris Nicolopoulos.

If a party wishes to have a Motion heard at a scheduled Prehearing Conference, said Motion must be filed at least fourteen (14) days in advance of the scheduled Prehearing Conference.
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Motions for postponement or special scheduling will only be considered for exceptional circumstances and must be made in writing to the Personnel Appeals Board within ten (10) calendar days of the date of this notice to be considered. Except in the event of a *bona fide* emergency, untimely requests will be denied. Further, except for good cause shown, failure of an appellant to appear as scheduled may result in dismissal of the appeal for lack of prosecution.

Other Business

Non-public session pursuant to RSA 91-A:3, II(j) to deliberate on motions filed in an adjudicative proceeding pursuant to RSA 541 or RSA 541-A.

FOR THE PERSONNEL APPEALS BOARD

Gail E. Wilson

Gail E. Wilson, Executive Assistant
NH Personnel Appeals Board

cc: Sara Willingham, Director of Personnel, 28 School St., Concord, NH 03301
Attorney Robert Berry, Dept. of Health and Human Services, 129 Pleasant St., Concord, NH 03301
Attorney Daniel St. Hilaire, Liquor Commission, PO Box 503, Concord, NH 03301
Assistant Attorney General Elizabeth Lahey, NH Dept. of Justice, 33 Capitol St., Concord, NH 03301
Sr. Assistant Attorney General Lynmarie Cusack, NH Dept. of Justice, 33 Capitol St., Concord, NH 03301
Assistant Attorney General Brian Buonamano, NH Dept. of Justice, 33 Capitol St., Concord, NH 03301
Dawn Schriever, Administrator II, NH Dept. of Information Technology, 27 Hazen Drive, Concord, NH 03301
Sean Bolton, Grievance Rep, State Employees' Association of NH, 207 N. Main St., Concord, NH 03301
Charles McMahon, Grievance Rep, State Employees' Association of NH, 207 N. Main St., Concord, NH 03301
Attorney Glenn Milner, State Employees' Association of NH, 207 N. Main St., Concord, NH 03302-3303
Attorney William Cahill, Jr., 141 Tremont St., Boston, MA 02111
Attorney Eric Wilson, 378 Main St., Nashua, NH 03060
Mark Gagne, PO Box 96, Milan, NH 03588

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